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HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 431 of 2015**

- Jindal Steel & Power Limited A Company Incorporated Under The Companies Act, 1956 At Raigarh, Saraipali, District Raigarh, Chhattisgarh-496107, Having Its Registered Office At: O. P. Jindal Marg, Hisar, Also Having Its Corporate Office At: Jindal Centre, 12, Bhikaji Cama, Place, New Delhi- 110066, Through Mr. Neeraj Sharma, S/o S. N. Sharma, Aged About 48 Years, (Authorized Representative) Jindal Steel & Power Limited, Raigarh, Saraipali, District Raigarh, (Chhattisgarh)

---- Appellant**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Revenue Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, (Chhattisgarh)
2. Collector/ Incharge Land Acquisition Officer, Raigarh, Raigarh Chhattisgarh
3. S D O, Raigarh, Raigarh, (Chhattisgarh)
4. Officer In Charge, Land Acquisition Branch, Raigarh, Chhattisgarh
5. Ganesh Ram, S/o Jeevdhan Singh Patel, Aged About 55 Years R/o Village Prasada, Post Patrapali, Police Station Bupdevpur, Tahsil And District Raigarh, (Chhattisgarh)

---- Respondents**And****WA No. 424 Of 2015**

- Jindal Power Limited A Company Incorporated Under The Companies Act, 1956 At Tamnar, Raigarh District, Chhattisgarh- 496107, Also Having Its Corporate Office At: Jindal Centre, 12, Bhikaji Cama Place, New Delhi-110066, Through Mr. D. K. Bhargava, S/o Late Shri P. N. Bhargava, Aged About 49 Years, (Authorized Representative) Associate Vice President, Jindal Power Limited, Tamnar, Raigarh, (Chhattisgarh)

---- Appellant**Vs**

1. State Of Chhattisgarh Through Its Secretary, Department Of Revenue, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, (Chhattisgarh)
2. Collector/ Incharge Land Acquisition Officer, Raigarh, Raigarh, (Chhattisgarh)

3. Land Acquisition Officer/ S D O Raigarh, Raigarh, (Chhattisgarh)
4. Jila Vyaparand Udyog Kendra, Raigarh, Through Its Managing Director, Raigarh, (Chhattisgarh)
5. Kamtanath Choudhary, S/o Shri Narsingh Choudhary, Aged About 63 Years R/o Village- Tamnar, Post Tamnar, Tahsil And District Raigarh (Chhattisgarh)
6. Raghunath Choudhary S/o Shri Narsingh Choudhary Aged About 57 Years R/o Village- Tamnar, Post Tamnar, Tahsil And District Raigarh, (Chhattisgarh)

---- Respondent

And

WA No. 441 Of 2015

- Jindal Steel & Power Limited A Company Incorporated Under The Companies Act 1956 At Raigarh, Saraipali, District Raigarh, Chhattisgarh 496107 Having Its Registered Office At O.P. Jindal Marg, Hisar Haryana Also Having Its Corporate Office At Jindal Centre, 12, Bhikajicama Place New Delhi 110066 Through Neerja Sharma S/o S.N. Sharma, Aged About 48 Years, (Authorized Representative) Jindal Steel & Power Limited, Raigarh, Saraipali, District Raigarh Chhattisgarh

---- Appellant

Vs

1. State Of Chhattisgarh Through Its Secretary, Department Of Revenue Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur Chhattisgarh
2. Collector/ Incharge Land Acquisition Officer, Raigarh, District Raigarh Chhattisgarh
3. Land Acquisition Officer / S D O Raigarh, District Raigarh Chhattisgarh
4. Officer Incharge, Land Acquisition Branch, Raigarh, Chhattisgarh
5. Smt. Sangita Devi Agrawal, W/o Sunil Agrawal, Aged About 36 Years R/o Sarangarh, Raod Tahsil And District Raigarh Chhattisgarh

---- Respondent

And

WA No. 427 Of 2015

- Jindal Power Limited A Company Incorporated Under The Companies Act, 1956 At Tamnar, Raigarh District, Chhattisgarh 496107 Also Having Its Corporate Office At Jindal Centre, 12, Bhikaji Cama Place, New Delhi 110066 Through Mr. D.K. Bhargava, S/o Late Shri P.N. Bhargava, Age About 49 Years, (Authorized Representative) Associate Vice President,

Jindal Power Limited, Tamnar, Raigarh Chhattisgarh

---- Appellant

Vs

1. State Of Chhattisgarh Through Its Secretary, Department Of Revenue Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur Chhattisgarh
2. Collector/ Incharge Land Acquisition Officer, Raigarh, Raigarh Chhattisgarh
3. Land Acquisition Officer / S D O Raigarh, Raigarh Chhattisgarh
4. Jila Vyapar And Udyog Kendra, Raigarh, Through Its Managing Director, Raigarh Chhattisgarh
5. Station House Officer, Police Station, Tamnar, District Raigarh Chhattisgarh
6. Damodar Sav S/o Late Vanmali Sav, Aged About 92 Years R/o Village Tamnar Post Tamnar, Tahsil & District Raigarh Chhattisgarh

---- Respondents

For Appellants	:	Shri Rajat Jariwal & Shri Sandeep Bhusaria along with Shri B.D.Guru, Advocate
For Respondent/State	:	Shri Arun Sao, Deputy A.G.
For other Respondents	:	Smt. Sudha Bharadwaj, Advocate.

**Hon'ble The Chief Justice &
Hon'ble Shri Justice Sanjay Agrawal**

Order On Board

23/11/2016

Per Deepak Gupta, C.J.

On 07.11.2016, we had passed the following order:

“07.11.2016 Shri B.D.Guru, counsel for the appellants.
 Shri Arun Sao, Deputy Advocate General for the State and its authorities.
 Order 47 Rule 1 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'the Code') provides that any person considering himself aggrieved by a decree or order from which an appeal is allowed, but from which no appeal has been preferred, may file a revision petition. It is obviously meant that if an appeal has been filed, then a review petition is not maintainable. Though Order 47 Rule 1 of the Code is in strict sense may not apply in this case but the principles would apply.
 We are of the view that a party cannot be

permitted to file a review petition as well as any appeal at the same time. It is for the party to decide which remedy wants to prosecute.

Shri B.D.Guru, learned counsel for the appellants states that he will seek instructions in the matter.

List it on 23rd November, 2016.”

2. Shri Rajat Jariwal, learned counsel for the appellant states that in view of the pendency of the review petitions, the appellant seeks leave of this Court to withdraw the above appeals reserving liberty to the appellants to pursue the remedy in review petitions. The appellant also seeks liberty that in case the review petitions are decided against the appellant, it may seek appropriate remedy in accordance with law.

3. Liberty, as prayed for, is granted.

4. With the aforesaid liberty, the appeals are dismissed as withdrawn.

Sd/-

(Deepak Gupta)
Chief Justice

Sd/-

(Sanjay Agrawal)
Judge